

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

OBINA ONYIAH	:	CIVIL ACTION
	:	
vs.	:	
	:	
CITY OF PHILADELPHIA, ET AL.	:	NO. 22-cv-1556

ORDER

AND NOW, after consideration of Plaintiff's Motion for Leave to Stay the Deadline for Plaintiff's Expert Reports and any response thereto, Plaintiff's Motion is **GRANTED** it is hereby **ORDERED** and **DECREED** that the Deadline for Plaintiff's Expert Reports is **STAYED**.

J.

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OBINA ONYIAH	:	CIVIL ACTION
	:	
vs.	:	
	:	
CITY OF PHILADELPHIA, ET AL.	:	NO. 22-cv-1556

**PLAINTIFF’S MOTION FOR LEAVE TO STAY THE
DEADLINE FOR PLAINTIFF’S EXPERT REPORTS**

AND NOW, Plaintiff, Obina Onyiah, by and through his attorneys, Alan E. Denenberg, Esquire, and Teri B. Himebaugh, Esquire, file this Motion for Leave to Stay the Deadline for Plaintiff’s Expert Reports, and in support thereof state as follows:

1. Plaintiff initiated this above-captioned civil rights action on April 21, 2022, by filing a Complaint.
2. On September 6, 2022, the Court granted a partial stay of the proceedings, staying the discovery from Defendant Former Detective Pitts until the conclusion of the criminal proceedings against him in the criminal action docketed as CP-51-CR-0004729-2022 in the Court of Common Pleas of Philadelphia County or by further order of the Court. (ECF 13).
3. Plaintiff can not request discovery from nor depose Defendant Former Detective Pitts until the end of the criminal proceedings against him, or when the Court lifts the stay.
4. After difficulty servicing Defendant Former Detective Pitts, Plaintiff filed a Motion for Alternative Service on April 26, 2023. (ECF 35).
5. On April 26, 2023, the Court denied Plaintiff’s Motion for Alternative Service. (ECF 36).

6. Plaintiff is still having difficulty serving Defendant Former Detective Pitts, and anticipates filing a Second Motion for Alternative Service in the upcoming weeks.
7. On May 4, 2023, the Court issued a Scheduling Order, ordering Plaintiff to serve upon counsel for every other party by February 20, 2024, the information referred to in Federal Rule of Civil Procedure 26(a)(2)(B) by expert report, deposition, or answer to expert interrogatory. (ECF 37).
8. On January 3, 2024, after requesting discovery responses from the Defendant, City of Philadelphia on several occasion Plaintiff filed a Motion to Compel. (ECF 38).
9. On January 3, 2024, the Court entered an Order granting Plaintiff's Motion and directing the Defendant, City of Philadelphia, to respond no later than January 17, 2024. (ECF 39).
10. On January 18, 2024, at 2:23 PM, Derek Kane, Esquire, the attorney for Defendant, the City of Philadelphia, emailed responses to Plaintiff's Requests for Production of Documents and Interrogatories, totaling 463 pages.
11. Due to the late response and sheer amount of pages to review, Plaintiff's counsel filed a Motion for Extension of Time to Amend Complaint to Identify John Doe Defendants on January 19, 2024. (ECF 40).
12. On January 22, 2024, the Court granted Plaintiff's Motion for Extension of Time. (ECF 41).
13. Plaintiff anticipates filing the Motion to Amend the Complaint on or before February 22, 2024.
14. Due to Plaintiff's inability to depose or request discovery from Defendant Former Detective Pitts, the delay in the Defendant City of Philadelphia's discovery responses,

and the anticipated filing of the Motion to Amend the Complaint and Motion for Alternative Service, the expert report deadline is premature.

15. The expert witness will need additional time to review the discovery responses from Defendant City of Philadelphia, as well as deposition transcripts of the named Defendants.
16. Additionally, the expert witnesses will need discovery and deposition testimony from Defendant Former Detective Pitts to compile their reports.
17. The current deadline for Plaintiff's expert reports would greatly prejudice the Plaintiff.
18. The Defendants would not be prejudiced by a Stay of the Deadline for Plaintiff's Expert Reports.
19. Accordingly, Plaintiff respectfully requests Stay of the Deadline for Plaintiff's Expert Reports.

WHEREFORE, Plaintiff, Obina Onyiah, respectfully requests this Court grant the instant Motion and provide him a Stay of the Deadline for Plaintiff's Expert Reports.

Respectfully submitted,

Dated: February 20, 2024

/s/ Alan E. Denenberg

Alan E. Denenberg, Esquire
Attorney for Plaintiff
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CERTIFICATE OF SERVICE

I, Alan E. Denenberg, Esquire, hereby state that on this date, a true and correct copy of the foregoing document was served upon all counsel of record via the Court's Electronic Filing System.

Dated: February 20, 2024

/s/ Alan E. Denenberg

Alan E. Denenberg, Esquire

Attorney for Plaintiff

PA Attorney ID No. 54161

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